

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

DOUGLAS B. WALKER and LISA WALKER,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:04-CV-423
)	(Shirley)
BACOU-DALLOZ FALL PROTECTION, INC.,)	
a/k/a DALLOZ FALL PROTECTION, et al.,)	
)	
Defendants.)	

MEMORANDUM & ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 11].

The plaintiffs move to amend their complaint to add a party defendant pursuant to Tenn. Code Ann. § 20-1-119. [Doc. 22]. Rule 15(a) of the Federal Rules of Civil Procedure provides that leave to amend pleadings “shall be freely given when justice so requires.” Fed. R. Civ. P. 15(a). “In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.--the leave sought should, as the rules require, be ‘freely given.’” Foman v. Davis, 371 U.S. 178, 182, 83 S. Ct. 227, 230, 9 L. Ed. 2d 222 (1962).

The defendants failed to file a response to the plaintiffs' motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2.

For good cause shown, the plaintiffs' Motion to Amend Complaint [Doc. 22] is **GRANTED**. The plaintiffs are hereby **DIRECTED** to file their Amended Complaint within ten (10) days of the entry of this Order.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge